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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,099	01/29/2002	Hideo Ando	217623US-2S DIV	1011
22850	7590	11/05/2007	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HASAN, SYED Y	
ART UNIT		PAPER NUMBER		
		2621		
NOTIFICATION DATE		DELIVERY MODE		
11/05/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/058,099	ANDO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Syed Y. Hasan	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 May 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 28 - 31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 28 - 31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :01/29/2002, 10/04/2002, 05/28/2004, 01/23/2007 and 05/29/2007.

***DETAILED ACTION***

***Response to Arguments***

1. Applicant's arguments with respect to claims 28 - 31 filed on 05/29/2007 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV reads as follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

... a signal does not fall within one of the four statutory classes of Sec. 101

... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

Claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows.

Claim 28 defines "recording medium" with descriptive material. While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") while embodied on a tangible computer readable medium, recording medium embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four

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statutory class of §101. Rather, "medium" is a form of energy, in the absence of any physical structure or tangible material. Examiner recommends changing "...an information recording medium ..." to "...a computer readable information recording medium on which a program is recorded ..."

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (US 6072759) in view of Takahashi et al (US 5878020) and further in view of Dinallo et al (US 5929857)

Regarding **claim 28**, Maeda et al discloses an information recording medium configured to have data recorded thereon and data reproduced therefrom by an information recording/reproducing apparatus, said information recording medium comprising:

a lead-in area located near a center position of rotation of the information recording medium (fig 2, col 5, lines 41 – 44) and

a data area around the lead-in area (fig 2, col 5, lines 41 – 44), said data area being divided into logical sectors (fig 2, col 5, lines 52 – 53), each of said logical sectors having a size of 2,048 bytes (fig 6A, col 7, lines 36 – 37) the logical sectors being assigned logical sector serial numbers, and a part of said logical Sectors corresponding

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to logical blocks assigned logical block numbers respectively (fig 10A, col 10, lines 11 – 14) wherein:

said data area stores a DVD\_RTR directory (fig 4, col 15, lines 41 – 47)  
a video file including video data, a main management file stored under the  
DVD\_RTR directory (col 24, lines 38 – 41)  
said main management file includes video management information used in  
managing the video data in the video file (col 24, lines 38 – 41)

However Maeda et al does not disclose back-up management file stored under directory and said back-up management file has the same contents as the main management file

On the other hand Takahashi teaches back-up management file stored under directory and said back-up management file has the same contents as the main management file (fig 5, col 15, lines 7 - 11)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate back-up management file stored under directory and said back-up management file has the same contents as the main management file as taught by Takahashi in the system of Maeda et al in order to provide an alternate source for data

The combination of Maeda et al and Takahashi does not disclose said main management file includes first program chain information designating a reproduction order of the video data; the back-up file has second program chain information being the same contents as said first program chain information; and the first program chain information and the second program chain information are updated when the video data is updated.

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On the other hand Dinallo et al teaches said main management file includes first program chain information designating a reproduction order of the video data (col 2, lines 24 – 39) the back-up file has second program chain information being the same contents as said first program chain information (col 2, lines 24 – 39) and the first program chain information and the second program chain information are updated when the video data is updated (col 2, lines 24 – 39)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate said main management file includes first program chain information designating a reproduction order of the video data; the back-up file has second program chain information being the same contents as said first program chain information; and the first program chain information and the second program chain information are updated when the video data is updated as taught by Dinallo et al in the combined system of Maeda et al and Takahashi in order to control the presentation of the information on the display.

5. Claims 29 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (US 6072759) in view of Takahashi et al (US 5878020) and further in view of Dinallo et al (US 5929857) and still further in view of Inoue (US 6628889)

Regarding **claim 29**, the combination of Maeda et al, Takahashi and Dinallo et al disclose all of the above except reading the video management information, and accessing the video file or the audio file and reproducing data included in the video file or audio file.

However Inoue teaches reading the video management information, and

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accessing the video file or the audio file and reproducing data included in the video file or audio file (col 24, lines 17 – 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate reading the video management information, and accessing the video file or the audio file and reproducing data included in the video file or audio file as taught by Inoue in the combined system of Maeda et al, Takahashi and Inoue in order to provide an effective and efficient editing system

Regarding **claim 30**, the combination of Maeda et al, Takahashi and Dinallo et al disclose all of the above except recording the video data into the video file; and recording information of the video management information.

However Inoue teaches recording the video data into the video file; and recording information of the video management information (col 24, lines 17 – 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate recording the video data into the video file; and recording information of the video management information as taught by Inoue in the combined system of Maeda et al, Takahashi and Inoue in order to provide an effective and efficient editing system

Regarding **claim 31**, the combination of Maeda et al, Takahashi and Dinallo et al disclose all of the above except a reading unit which reads the video management information, and an accessing unit which accesses the video file or the audio file and to reproduce data include in the video file or the audio file.

However Inoue teaches a reading unit which reads the video management

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information, and an accessing unit which accesses the video file or the audio file and to reproduce data include in the video file or the audio file (col 24, lines 17 – 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a reading unit which reads the video management information, and an accessing unit which accesses the video file or the audio file and to reproduce data include in the video file or the audio file as taught by Inoue in the combined system of Maeda et al, Takahashi and Inoue in order to provide an effective and efficient editing system

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Sugita (US 5860135) discloses a file managing device of a non-volatile memory, a memory card and method for controlling a file system.

Flannagan et al (US 4827462) discloses a modular data storage directories for large-capacity data storage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Y.H.  
10/29/2007



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USPTO PATENT EXAMINER  
ART UNIT 2621